

REMARKS/ARGUMENTS

This case has been reviewed and analyzed in view of the Official Action dated 14 December 2004. Responsive to the rejections made by the Examiner in the outstanding Official Action, Claims 1 and 4 have been amended and Claims 3 and 5 have been cancelled, with the limitations of Claims 3 and 5 being inserted into newly-amended independent Claim 1, in order to more clearly clarify the inventive concept of the Applicant.

It is respectfully noted that the Examiner has stated that Claim 5 was merely objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is respectfully noted that Claims 3 and 5 have been cancelled and the limitations of Claims 3 and 5 have been inserted into newly-amended independent Claim 1. Thus, it is believed that the Application has been placed in condition for allowance, and such action is respectfully requested.

The Examiner has rejected Claims 1 – 2 and 6 under 35 U.S.C. § 102(b) as being anticipated by the Thorgersen Patent No. 6,080,110. It is the Examiner's contention that all elements of Claims 1 – 2 and 6, as originally filed, are taught by the Thorgersen Patent.

The Thorgersen reference is directed to a heartbeat monitor for wearing during exercise. As shown in Figure 2, a speaker 24 is in electrical

communication with a timing circuit 32 and a microcomputer controller 38, which receives body impulse signals from a pulse rate analyzer 42.

Although the Thorgersen reference teaches the sensing of a body-generated signal during exercise, the reference does not teach the further coupling of a motion signal detecting device for detecting motion of the user while exercising. In contradistinction, the subject Patent Application includes both a body signal sensing device and a motion signal detecting device for detecting a motion signal of the user while the user is exercising. The motion signal is transmitted to the audio signal generating device under the control of a loop selection controlling signal of the timer control circuit. Further, in the system of the subject Patent Application, and in further contradistinction to the Thorgersen reference, a signal loop selecting circuit is providing having both a first signal loop and a second signal loop, with the loop selection being selectable for allowing the body signal to be transmitted to the audio signal generating device via the first signal loop and the motion signal being transmittable to the audio signal generating device via the second signal loop, thus dividing the signal transmission into first and second signal paths.

Thus, the Thorgersen reference does not provide for: "... a motion signal detecting device for detecting a motion signal of the user while the user is exercising ... a signal loop selecting circuit having a first signal loop and a second

signal loop selectable by the loop selection controlling signal of the timer control circuit ...”, as is clearly provided by newly-amended independent Claim 1.

Thus, it is not believed that the subject Patent Application is anticipated by, or made obvious by, the Thorgersen reference when independent Claim 1 is carefully reviewed.

The Examiner has further rejected Claims 1 – 4 and 6 under 35 U.S.C. § 102(b) as being anticipated by the Richardson Patent No. 5,976,083. It is the Examiner’s contention that all elements of Claims 1 – 4 and 6, as originally filed, are taught by the Richardson reference. The Richardson reference is directed towards a portable aerobic fitness monitor for walking and running. As shown in Figures 1 and 2, the Richardson reference provides both heart rate monitoring 009 along with bodily movement monitoring 007 via a pedometer 015 for the production of audio messages 024 which are output at audio output 003. As shown in Figure 1, the heart rate indication 009 is fed into user interface 021 along path 016 and further through the fitness assessment arrangement 017. The bodily movement signal 007 is fed by the pedometer 015 directly into user interface 021 and further via the fitness assessment arrangement 017. The user interface 021 produces the audio messages 024 which are fed into the audio output switch 023. Although the system includes an auxiliary audio line 013, the audio messages are sent purely by audio message line 024.

In contradistinction, the system of the subject Patent Application utilizes two separate signal loops for the production of audio messages. Thus, the inefficiency of having two separate signals processed at the same time by the same processor and transmitted along the same line, as in the Richardson reference, is avoided by the system of the subject Patent Application. In the system of the subject Patent Application, a signal loop selecting circuit is provided having a first signal loop and a second signal loop selectable by the loop selection controlling signal of the timer control circuit. The body signal is transmitted to the audio signal generating device via the first signal loop and the motion signal is transmitted to the audio signal generating device via the second signal loop.

Thus, the Richardson reference does not provide for: "... a signal loop selecting circuit having a first signal loop and a second signal loop selectable by the loop selection controlling signal of the timer control circuit, the body signal being transmitted to the audio signal generating device via the first signal loop and the motion signal being transmitted to the audio signal generating device via the second signal loop ...", as is clearly provided by newly-amended independent Claim 1.

Thus, it is not believed that the subject Application is anticipated by, or made obvious by, the Richardson reference when independent Claim 1 is carefully reviewed.

It is now believed that the remaining claims 2, 4 and 6 show patentable distinction over the prior art cited by the Examiner for at least the same reasons as those previously discussed for independent Claim 1.

The remaining references cited by the Examiner, but not used in the rejection, have been reviewed, but are believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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